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January 26, 2021

VIA ECF

The Honorable J. Paul Oetken
United States District Court Judge
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Tucker v. Amazon.Com, Inc.*,
Case No.: 1:19-cv-9841 (JPO)

Dear Judge Oetken,

The undersigned represents Henry Tucker, On Behalf of Himself and All Other Persons Similarly Situated (“Plaintiff”), in the above-referenced action against Amazon.Com, Inc., (“Defendant”). In response to Your Honor’s order on January 19, 2020 (Dkt. 26), the undersigned respectfully requests leave to decide whether to file a Second Amended Complaint in this action until 10 days after an Opinion has been rendered in the Consolidated Appeal entitled *Calcano v. Swarovski North America Limited*, Case No: 20-1552, currently pending before the 2nd Circuit. *Swarovski* was argued on January 13, 2021, and an Opinion is imminent that will be controlling on issues and questions of law identical to those in this matter. Therefore, that Opinion will heavily influence the decision as to whether file a Second Amended Complaint. Granting the request herein will not prejudice any of the parties.

Granted. This case is stayed pending the resolution of *Calcano v. Swarovski North America Ltd.*, No. 20-1552 (2d Cir.). Within 10 days after the resolution of *Calcano*, Plaintiff shall file a letter requesting leave to file a Second Amended Complaint or indicating his intention not to do so. (The Clerk shall close Dkt. No. 27.)

So ordered: 1/28/2021

Respectfully submitted,
GOTTLIEB & ASSOCIATES

/s/Jeffrey M. Gottlieb, Esq.

Jeffrey M. Gottlieb, Esq.


J. PAUL OETKEN
United States District Judge